

The deadline for the parties in Case Nos. 23 Civ. 5138 and 23 Civ. 5409 to serve Fed. R. Civ. P. 30(b)(6) deposition notices is extended *nunc pro tunc* to February 20, 2024. Responses and objections to these notices shall be served no later than **February 27, 2024**. The parties shall meet and confer by no later than **March 4, 2024**, and any remaining disputes shall be presented to the Court in the form of a joint letter by **March 8, 2024**. The parties shall follow the remaining deadlines so ordered in the discovery order issued February 7, 2024. The deadlines that are so ordered include all deadlines proposed in the letter, only some of which were modified in the endorsement. So Ordered.

The Clerk of Court is respectfully directed to close the motions at Dkt. 236 in Case No. 23 Civ. 5138 and Dkts. 196 and 197 in Case No. 23 Civ. 5409.

Dated: February 22, 2024  
New York, New York



LORNA G. SCHOFIELD  
UNITED STATES DISTRICT JUDGE

***Re: Kate Spade LLC, et al. v. Vinci Brands LLC, et al., Case No. 23-cv-05409***

Dear Judge Schofield:

We represent defendant ACS Group Acquisitions LLC (“ACS”) in the above-referenced action. We write, pursuant to Rule III.C.3 of Your Honor’s Individual Practice Rules, to respectfully request the Court’s intervention in resolving a dispute concerning the deadline by which to serve 30(b)(6) notices. We, together with defendant Vinci Brands LLC (“Vinci”), attempted to meet and confer with plaintiffs Kate Spade LLC and Coach Services, Inc. (“Plaintiffs” or “Kate Spade”) in an effort to avoid burdening the Court. However, the parties were unable to reach a resolution.

As Your Honor is aware, on February 2, 2024, the parties submitted a joint letter setting forth a discovery schedule, which included, *inter alia*, proposed deadlines for initial document productions, fact discovery, service of 30(b)(6) notices, as well as the names of deponents, their party affiliations, and deposition dates. (Dkt. #190). In setting the deposition schedule, the parties specifically identified and agreed to the 30(b)(6) deponents, dates for their depositions, and the locations for their depositions – with Plaintiffs’ 30(b)(6) witnesses scheduled for April 18 and 19, 2024.

Subsequently, the Court issued an Order that set forth four specific deadlines: (i) initial productions by February 16, 2024; (ii) final productions for all parties, except for ACS, by March 8, 2024; (iii) final production for ACS by March 29, 2024; and (iv) fact discovery deadline of May 10, 2024. (Dkt.#232). Because neither the Order nor the Amended Case Management Plan (Dkt. #234) set a specific deadline by which to serve 30(b)(6) notices,<sup>1</sup> we interpreted that the parties were to serve such 30(b)(6) notices in accordance with the requirements imposed by the FRCP.

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<sup>1</sup>

We note that the docket for this matter also does not list a deadline for 30(b)(6) notices.

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The parties served their 30(b)(6) notices as follows: Kate Spade served upon Vinci and ACS on February 12th; Vinci served upon Plaintiffs on February 16th; Case-Mate served their 30(b)(6) notices upon Vinci on February 19th,<sup>2</sup> and we, on behalf of ACS, served upon Plaintiffs on February 20th. Plaintiffs have now objected to the notices served by ACS and Vinci as “untimely,” claiming that the Court endorsed the deadlines set forth in the parties’ joint letter, subject only to certain modifications, and that the deadline to serve 30(b)(6) deposition notices was February 12th.

As we advised counsel for Plaintiffs during the parties’ meet and confer, the Order is open to interpretation, and our notices are timely served. No other party, save for Kate Spade, served their 30(b)(6) notices by February 12th. There is absolutely *no* prejudice to Plaintiffs by having received ACS’s 30(b)(6) notices on February 20th. Plaintiffs were well-aware that ACS would be seeking to depose 30(b)(6) witnesses, and have already agreed to produce such 30(b)(6) witnesses on April 18th and 19th. Discovery has only now gotten underway, with initial document productions being made less than a week ago on February 16th, and fact discovery does not even close for another three months until May 10th.

Accordingly, we respectfully request that the Court set and/or modify the 30(b)(6) deadlines as follows:

- Responses and objections to 30(b)(6) notices 7 days after service of the 30(b)(6) notices;
- The parties shall meet and confer no later than 5 days after service of responses and objections;
- Any remaining disputes shall be presented to the Court within 7 days following the meet and confer.

We thank the Court for its continued assistance in this matter.

Respectfully Submitted,



Anna Pia D. Felix

cc: All Counsel

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<sup>2</sup> Case-Mate’s 30(b)(6) notice upon Vinci was served in the *Vinci Brands LLC v. Coach Services, Inc., et al.*, Case No. 23-cv-05138, which is subject to the same Order.